

Journal of Criminal Law and Criminology

Volume 16 | Issue 3

Article 7

1926

Methods of Criminological Inquiry

Arthur Evans Wood

Follow this and additional works at: <https://scholarlycommons.law.northwestern.edu/jclc>



Part of the [Criminal Law Commons](#), [Criminology Commons](#), and the [Criminology and Criminal Justice Commons](#)

Recommended Citation

Arthur Evans Wood, Methods of Criminological Inquiry, 16 J. Am. Inst. Crim. L. & Criminology 437 (May 1925 to February 1926)

This Article is brought to you for free and open access by Northwestern University School of Law Scholarly Commons. It has been accepted for inclusion in Journal of Criminal Law and Criminology by an authorized editor of Northwestern University School of Law Scholarly Commons.

METHODS OF CRIMINOLOGICAL INQUIRY

ARTHUR EVANS WOOD*

The problem of the criminal is one of the most promising for sociological analysis. It involves a study of social standards and of their origin and sanctions. It includes also an inquiry into the influences of the environment upon conduct, and a knowledge of the psychophysical disposition of the offender. Finally, criminologic study brings us to consider the response of the group with respect both to the process for determining guilt or innocence, and to measures that may be taken for punishment. These group responses are variously affected by religious ideas, by magic, and by the existing state of knowledge; only slowly do considerations of rational social control play a part.

Inquiry into these matters covers a wide field, involving contributions from all the social sciences, whose division by university curricula into isolated departments seems strangely out of accord with the organic character of the facts of social life. As we should expect, such inquiries have come relatively late in man's intellectual development, as the endeavor to regard social processes objectively as phenomena has to overcome even more deep-seated prejudices than were met in the development of the natural sciences during the 19th century. Furthermore, it can be said that criminologic studies were, until recently, carried on exclusively by Europeans. In America our interest has been more practical than theoretical. We have known of prison reform for over a century; but we have heretofore shown little curiosity about the nature of crime as a sociological phenomena, nor have we been disposed to question very much the sanctity and virtue of our legal institutions developed for its control. We have, as George Kirchwey remarked, at a recent meeting of the National Conference of Social Work, more of a sporting than a scientific or humanitarian interest in the game of crime. If this be true, it constitutes a very grave charge. No state, and surely no democracy, can afford to take a merely "sporting" interest in justice.

There is some evidence, however, that this attitude is changing. A critical spirit is developing. Some of our leading jurists are throwing serious discredit upon certain of the legal aspects of criminal procedure; while the psychiatrists and the social workers are showing the irrelevancy of much that we do in our efforts to suppress crime or to reform criminals. Meanwhile, we are coming to realize the paucity

*Associate Professor of Sociology in the University of Michigan.

and unreliability of our criminal statistics. Figures do not lie, but few people use them carefully in diagnosing our situation as to crime, the result being that we have a "crime wave" whenever the newspapers lack other material of a sensational character. Finally, an increasing number of attacks upon our century-old prison system are destined to shake the faith in it of all except those who profit by the continuance of the thoroughly discredited regime.

As a consequence of the foregoing developments it may be of value to review the methods of inquiry by which we have arrived at our present state of mind in regard to these matters. A variety of particular questions are involved, such as: What purposes are sought in society's treatment of offenders? What constitutes society's right to punish? What principles shall control the selection of those things which are regarded as crime? What sort of penalties will contribute most to the fulfillment of society's purposes in the treatment of offenders? How do our institutions of criminal procedure function with reference to these purposes? What do we know as to the actual volume and distribution of crime in this country? What do we know about the character of the population that passes through our criminal courts? About those who are in our jails and prisons? What is the effect of the prison regime so far as it can be measured by the conduct of men released from prison?

It is clear that we cannot answer all these questions conclusively. Some of them are philosophical in nature, involving values and aims concerning which there may be valid differences of opinion. Such a mooted question would be the right of society to take the life of the criminal. Others would admit of detailed and specific answer, if we but had the data. An inquiry, concerning which precise information is lacking, would be the volume, frequency and distribution of crime. These questions, along with an analysis of the social conditions attending or affecting crime, investigation into the functioning of our criminal courts, police, and penal institutions, and, finally, a study of individual offenders, constitute the subject matter of modern criminologic science.

In answer to problems raised by this science no less than four distinct methods have been employed. They are:

1. The Philosophical Method.
2. The Statistical Method.
3. The Survey Method.
4. The Case Work Method.

It is the purpose of this paper briefly to trace developments with respect to each of these methods, giving special emphasis to current happenings. The order in which these methods are set forth is, to some

extent chronological. The study of the problem of crime in modern times may be said to have begun with the period of enlightenment towards the close of the 18th century. Inquiry began with speculations; only recently have we come to careful empirical investigations. As a matter of fact there is permanent need for both the hypothesis and direct observation. The question, "What is justice?" is not amenable to statistical treatment; yet if we did not raise this question, and try to answer it from time to time, our empirical researches would lose in meaning and importance.

Turning now to a brief presentation of the methods themselves. First, as to the philosophical approach. By this is meant an attempt to arrive at a just system of criminal procedure from a consideration of abstract principles without recourse to scientific evidence. Writers in both classical and medieval times were interested in a rational system of punishment. Plato in the *"Laws"* remarks, "Having an eye to all these things, the law, like a good archer, should aim at the right measure of punishment, and in all cases at the deserved punishment." The philosophical method was again embodied in Sir Thomas More's *"Utopia,"* where one finds worked out an ideal system of penology. This, like other Utopian schemes, has never been actually adopted, though it serves to keep alive our interest in more ideal solutions of the penological problem.

The chief modern expression of the philosophical method however, is to be found in the writings of the so-called Classical School of the latter half of the 18th century of whom the most notable representatives were Beccaria and Bentham. Beccaria's *"Crimes and Punishments"* (1764) is pronounced by a recent writer, Mr. Coleman Phillipson, an English jurist, as "the most brilliant single contribution to criminal law that has ever appeared."¹ Beccaria was an Italian and wrote in his native language; but his treatise was directed against the entire system of criminal jurisprudence that prevailed in Europe. The principles from which he deduced his teachings were the sentiments of humanity and public utility. He desired the criminal law to be based upon reason and common sense. In accordance with these he would destroy all punishments that were cruel and barbarous, limiting them to such as would be necessary to deter people from crime. He argued that penalties should be definite, invariable and impartial in their operation, and carefully apportioned in accordance with the gravity of crimes. He inveighed against the extreme repression of individual rights in criminal trials, such as were involved in secret accusations, espionage,

¹"Three Criminal Law Reformers."

unfair methods of securing evidence, and other inquisitorial practices. He attacked the interference of ecclesiastical authorities in matters of secular jurisdiction. Finally, he severely condemned the abominable prison systems of Europe.

The influence of his teachings was felt throughout Europe and even in America. The criminal laws of the autocratic monarchies of Austria and Russia were modified in the direction of Beccaria's ideas. In France the Constituent Assembly of 1791 recognized criminal procedure, and the Convention of 1795 adopted a Code of Crimes and Penalties in accordance with the principles of "*Dei Delitti*" of Beccaria. Taine, in his "*French Revolution*," quotes a letter written by one Roederer to the daughter of Beccaria which runs as follows, "Ten years before the revolution the criminal courts of France no longer bore their own likeness . . . Their former spirit had become changed . . . All the young magistrates, and this I can bear witness to, for I was one myself, pronounced judgments more in accordance with the principles of Beccaria, than according to law."² In America, the Bill of Rights contained in the first ten Amendments to the Constitution of the United States were insisted upon before Massachusetts would join the Union. Articles IV, V, VI and VIII have to do especially with the rights of the accused in criminal trials. I think that the thesis could be maintained that in revolutionary periods of history existing criminal procedure is one of the first objects of attack, inasmuch as when the ruling classes maintain their ascendancy unjustly, they do so through the arm of the criminal law.

In England the principles advocated by Beccaria were given a new setting by Bentham and the utilitarian school. Their method was philosophical, being based upon a hedonistic ethics and the ideal of the greatest good to the greatest number. The working out of this principle in the criminal law is of significance. To Bentham punishment is an evil because it involves pain which is evil. But a consideration of consequences would justify legal penalties, for they are inflicted for the purpose of deterring from crime, the commission of which is a greater evil than punishment. Crime is the infliction of pain for private benefit, whereas punishment is the infliction of pain for a public good, namely, the security of the community.

Quaint as such reasoning may sound to us, it marks a social advance of great import, for it means the introduction of rational as contrasted with vindictive motives in the treatment of offenders. The present significance of such doctrines is likewise important. If security and a deterrent effect are to be regarded as the ends of the penal

²H. A. Taine, "*French Revolution*," Vol. III, p. 306.

law, and if these can be secured without the retaliative infliction of suffering upon offenders, we have then a justification of such non-institutional means of treating the criminal as is involved in supervised probation. Of course, actual probation systems were not installed until nearly a century after Bentham, but their logical foundations were indisputably laid by him. The result of his work was the abolition of some of the worst forms of injustice and brutality in the criminal law. In the words of John Stuart Mill, Bentham holds a place "among the masters of wisdom, the great teachers, and permanent intellectual ornaments of the human race . . . He found the philosophy of law a chaos, he left it a science; he found the practice of law an Augean stable; he turned the river into it, sweeping away mound after mound of its rubbish."

Other names besides those we have mentioned deserve to be included among the founders of a more humane penology. Phillipson, whose work we have referred to, mentions Romilly and Sir James Mackintosh along with Bentham and Beccaria. As a practical reformer John Howard helped to prepare men's minds for the acceptance of a more rational view of the criminal law. But lest one fall into the error of interpreting a social movement solely in terms of personalities, one should consider that the humanitarianism of the men to whom we have referred was part of that common-sense and philosophic revolt against institutions which characterized the close of the 18th century. The classical writers in urging the substitution of a system of milder penalties for the arbitrary brutalities of an earlier period took the first step towards rationalizing and socializing the methods of society in this field. Their teachings are aptly summed up in the words of Ferri, who says, "This school had, and still has, a practical purpose, namely, to diminish all punishments, and to abolish a certain number by a magnanimous reaction of humanity against the arbitrary harshness of medieval times. It had, also, and still has, a method of its own, namely, to study crime from its first principles as an abstract entity dependent upon law."

We may now consider a brief criticism of the philosophical school. It errs through its very abstractions. It led to a mechanical system of crimes and penalties in which the personality of the offender is ignored. It attempts, moreover, no systematic study of the contributing causes to crime. In so far as it has a philosophy of conduct it assumes the freedom of the will, the will having no organic relation to the rest of the personality, nor to the environment. In its endeavor to avoid partiality in the administration of the criminal law it set up a rigid system of uniform penalties that took no account of the differences between

individuals as regards their psycho-physical dispositions, their needs, and their circumstances. The result is an extremely legalistic attitude towards crime, which is today the chief obstacle to the scientific understanding and treatment of the problem. Is it irony, or is it just another case of the dent in Herbert Spencer's sheet of tin, that the so-called reforms of one age become the leading difficulties of the next?

This question brings us to consider an entirely different method of inquiry which has been instituted within our own time. I refer to the use of the *survey*. The survey is a well known device of social investigation. Its employment by social science is due to the fact that in human relations there can be no artificial laboratories in which to carry on controlled experiments. Here the community itself presents the only opportunity for study. The handling by the community of its problems of crime is a process, not a static phenomenon. Field study of this process involves the following steps:

1. Sound observation by trained persons of what is actually happening in our police departments, criminal courts, jails and prisons.
2. The collection of available records from these institutions.
3. Compilation of statistical data from these records.
4. Correlation of the statistics with the results of actual field observation of various stages of the criminal process.
5. Study of the structure and organization of police and court systems with reference to their success in coping with the general community condition.
6. Summary and interpretation of all the data.

The survey method has heretofore been widely applied in the study of social problems. The School, the Church, the Neighborhood, Poverty, Recreation, Standard of Living, have all been subjected to rigorous analysis by the survey method both in this country and abroad. Until recently legal institutions have remained sacrosanct. However, growing statistics of crime, and increasing discontent with our institutions for the suppression of the same, have led several cities in this country to undertake surveys in order to get at their problems in this field. Following a public scandal which incriminated a police justice, Cleveland, in 1921, summoned a group of experts, of whom Dean Roscoe Pound of the Harvard Law School was the chief, to make an exhaustive study of crime conditions within the city, and of the institutions of police, courts and jails. The results of their findings were published by the Cleveland Foundation under the title of "Criminal Justice in Cleveland."

It is not our purpose to present in detail the conclusions of this Cleveland study. The agencies of the law were considered from the

point of view of both their structure and their functioning. In both respects they were found to be sadly wanting. The cumbersome, archaic, and expensive legal machinery is shown to be not a dragnet which apprehends, convicts and punishes the really criminal elements of the population, but rather a sieve through which they escape. The fault is attributed partly to the personnel of the system, but to an even greater degree to structural and institutional defects. There is implied both a severe indictment of our neglect of the problem, and a challenge to civic effort.

A common failing of the survey is to present a bewildering mass of facts without any adequate historical or sociological interpretation. From this fault the Cleveland investigation is saved by the masterly treatment of the data by Dean Pound. His philosophic spirit, historical perspective, and scientific insight make it a landmark in American criminological jurisprudence. A few only of his conclusions are here set forth.

He first points out that there are at least four factors affecting the efficiency of legal institutions having to do with crime; namely, personnel, machinery, environment and the limits within which the criminal law may be expected to function effectively. His fundamental contention is that the machinery of criminal justice in the United States was fashioned under historical circumstances, and in a social environment vastly different from what obtains in urban communities of today. The result is bad social adaptation. The founders of the Republic, mindful of the judicial tyrannies under the Tudor and Stuart kings, and desirous of protecting the liberties of the accused, have thrown about him a net work of legal defenses which make it difficult for the arm of the law to reach him. Furthermore, the decentralized character of police and court organization, the lack of administrative control, the growth of personal rule among officials, and the checks upon judicial discretion have enfeebled criminal process to the point of demoralization. Meanwhile, our cities have become masses of heterogeneous, poorly assimilated peoples, living under unstable and frequently degenerating social and economic conditions. The situation is aggravated by the fact that though in America we tend to hold private standards of right and wrong, we are, nevertheless, continually burdening the penal law with a larger load than it can well bear. We seem to combine little respect for law with fatuous confidence in laws. The conflicts that arise within the family, industry and the state are passed on for the law to resolve, as though the law itself were not a product of the same social fabric as other institutions, and therefore subject to the same defects as they. Furthermore, difficulties arise from the lack

of agreement concerning what policy should be followed in the treatment of offenders. Moralists have long since rejected the retributive theory of punishment, but large numbers of people, including many judges on the bench, still uphold it. The consequence is that actual penalties vacillate between the extremes of severity and leniency; they vary for the same offense from one state to another; and from one judge to another within the same jurisdiction. They are, moreover, subject to waves of popular indignation and prejudice. To be sure, uniform penalties are not to be desired; yet it is clear that the present lack of uniformity is guided by no rational principle, and engenders only confusion and disrespect for legal authority.

Many further difficulties are indicated by Professor Pound in his discussion of the Cleveland data. From the foregoing it can be seen that he is driving at no merely local improvements, but rather towards a radical reorganization of thought and practice in our system of punitive justice, so as to bring it in accord with modern psychology, psychiatry and sociology. The constructive parts of his discussion call for administrative changes in our police and court systems, the more extended use of psychiatric clinics and of probation, the development of specialized divisions of court procedure for different types of crime, the doing away with red tape, and, above all, for men of character and special training as police chiefs, judges, prosecutors and other court officials. This upbuilding of personnel, Professor Pound insists, demands a different attitude towards the problem on the part of the public, and especially on the part of the legal profession, if the system is to be lifted out of the slough into which it has been allowed to fall.

Another type of survey has been pursued in respect to conditions in our jails and prisons. The Cook County Jail survey, conducted by George Kirchwey; the studies of state prisons and of local prison camps in the south by Frank Tannenbaum, and the analysis of conditions in our Federal prisons made by Winthrop D. Lane are recent examples. In England a voluminous treatise has been published by Stephen Hobhouse and A. Fenner Brockway on "English Prisons Today."³ These studies recall the attacks made upon English and Continental prisons over a century ago. One wonders why the movement for prison reform has accomplished so little during all this time. One reason may be that the reformers have characteristically shown zeal without knowledge. Their main appeal has been to humanitarian sentiments. On this basis agitation for reform soon loses its force. To say that society is not Christian merely evokes the cynical reply, "Whoever said that

³This was published as a report of the "Prison System Enquiry Committee," established in 1919 by the executive of the Labor Research Department.

it was?" The recent prison studies to which we have referred are directed more to our intelligence—to our sense of utility—than to our sympathies. Noisome conditions are still shown to exist in our jails and prisons. There is the same virtual slavery and destruction of self-respect which we pay for more and more heavily without accomplishing any rational ends. For this greatest problem in human engineering we still rely upon brick, mortar—and politics. The task remains of rescuing the situation from the depths where it always has lain by the force of public opinion, by the recruiting of intelligent leaders, and by the application of what is known of human behavior and of effective measures for its control.

A still further method of approach to problems in criminology may be termed statistical. Statistics are used, to be sure, in the making of surveys, but in a somewhat limited way to illuminate the local situation. We have in mind in the present discussion the development of criminal statistics uniformly over wide areas, and for considerable periods of time; and their correlation with biological, sociological and psychological data. In the United States the absence of adequate statistical data relating to crime is notoriously conspicuous, like the proverbial snakes in Erin. The countries of Europe have long had central bureaus of criminal records where uniform data from all police departments, criminal courts, jails and prisons have been compiled and made available for research purposes. The result is that most of the studies of the causes of crime by the method of statistical correlation have been made by European students. A very great number of individual and social factors have been made the subject of investigation as regards their statistical correlation with various types of crime. Thus, Bonger, a Dutch writer, showed by statistics the economic bases of crime; Poletti, using French statistics, attempted to show that crime is a function of general economic activity, the volume of crime increasing with the expansion of the economic life of a people. By a study of Italian prisoners Lombroso made his famous conclusion as to the "born criminal." Goring, by an even more elaborate study of English convicts, effectively disposed of Lombroso's anthropological theories. Attempted correlations have been made of crime with race, religion, occupation, density of population, climate and a great variety of other factors. I think that it may be said that scarcely any of the statistical generalizations relative to the causes of crime remains wholly unassailed. This is true partly because of the limitations of the statistical method itself, and partly to the frequently improper use of the method.

In the United States progress towards the development of a nationwide system of criminal statistics has been slow indeed. Within the

states there is a general lack of statistical bureaus empowered to collect in a uniform way the necessary data from courts, police, prisons and jails; and the federal government, outside the Census Bureau and the Record Office for finger prints, has no machinery for such activities. Moreover, there is little interest in such a task on the part of our public officials, and scarcely any demand for it on the part of the public at large. Popular interest is morbid, apathetic or hysterical, depending upon what is served up in the morning papers. Apparently the desire for accurate information concerning our large social problems is yet to develop in our democracy.

However, it would not be true to say that no advance is being made. In 1911 Dr. Louis N. Robinson published a monograph on "Criminal Statistics in the United States," urging that the Federal Government take the initiative by seeking co-operation with the states in the establishment of a Registration Area for criminal statistics similar to the Registration Area for mortality, which now covers about three-fourths of the population. Another step is taken by the much enlarged census of inmates of our state prisons and reformatories, undertaken by the Federal Bureau of the Census in 1923. This new census contains twice as many questions as were included in the census of 1910 on the same subject. Another development of promise is the recent work of the American Institute of Criminal Law and Criminology.⁴

This organization has employed a field worker to draw up a schedule of questions to be introduced, if possible, into our state prisons and reformatories, as a basis for the annual statistical reports of the wardens. At the present time these officials publish scarcely any material regarding their prisoners that affords us a basis of comparison as between states, or that gives us an adequate picture of the prison population as a whole throughout the country. The hope of getting all the officials to fall in line in the adoption of a superimposed uniform schedule is none too bright. If the schedule of questions is made so simple as to be acceptable to all, the data secured will not be of very great value for purposes of research. On the other hand, if the schedules are full and complex, they are likely not to be used by some of the wardens, whose interest lies more in holding their jobs than in making contributions to penalogical science. However, the effort to secure adequate and comparable prison reports is very worth while, though it take years to accomplish.

⁴See article describing the work of the Institute by Sam B. Warner and Sanford Bates in the August, 1924, number of the Journal of the American Institute of Criminal Law and Criminology.

The task of developing a national system of criminal statistics of police, criminal courts, jails and lock-ups, showing the activities and the character of people they deal with, is even more formidable. For some of our better governed cities data of this character is available in acceptable form; but, generally speaking, over the country the criminal data from these institutions is in much the same condition that our public health statistics were a generation ago. Nevertheless, until we can get the information we need from all agencies of the law, we shall be in the dark, not only as to what is the crime problem in its totality, but also as to its variations from one part of the country to another. It follows, of course, that until we do have complete information, the solutions that we attempt will be haphazard and partial.

A final word may be said on the statistical aspect of the question in regard to the difficulties one finds in the interpretation of statistical material. These may be said to be as follows:

1. So far as the statistics are of the prison population alone they are not necessarily representative of the criminal population as a whole.

2. The police and court statistics may not be an exact measure of the crime problem in the community, but rather an indication of what police and court officials think is important at any given time. The statistics for arrests or for convictions may vary greatly from year to year, reflecting, thereby, no necessary change in actual happenings, but rather the varying policies of different police and court officials.

3. The interpretation of criminal statistics is often misleading or false, as when, without taking into account the differences in age and sex distribution that prevail between races, an indictment is drawn against some one racial group on account of its alleged greater tendencies to crime.

4. Another fault in the use of the statistical method with regard to the etiology of crime is that it may suggest a narrow view of the problem conceiving the ascertained "causes" in a particularistic way, without showing their larger relationships. What we have is a complex of causes organically related.

5. A limitation of the statistical method is that it never reveals the individual. A certain amount of crime may be due to poverty or to mental defect; but the vast majority of poor or mentally defective persons do not commit crime. What it is that causes one poor or mentally defective person to fall into the criminal group, and keeps another such person from becoming a criminal cannot be revealed by statistics. It can be discovered, if at all, only by a painstaking analysis of the two individuals in their respective environments.

This brings us to consider the last of the methods of criminologic inquiry under review in this paper. It is the method of case work. The case method of studying social problems has been borrowed from medical science, and contributes much towards an understanding of human behavior. What we lack in statistical information about our social problem has been somewhat compensated for through the extensive development of accurate case records by some of our social agencies.

The theory underlying the case history is that of the organic relation of the individual to society; and that what we call *human nature* is the product of original constitution and of its social and natural environment. Crime, like all conduct, is the reaction of a particular individual to a particular environment. Furthermore, the case record is based upon the theory that the individual life is, like nature, of which it is a part, a continuum; what happens in individual experience is a logical part of what has gone before. There can be no breaks. Hence, the importance of the record as *history*.

The method of case analysis involves four steps: 1. Investigation of all relevant data in the heredity and environment of the individual. 2. Diagnosis, showing particular factors responsible for a given situation. 3. Treatment, or the rendering of those services, and the making of such adjustments as may lead to a satisfactory solution of the problem. 4. Prognosis, or the estimate of probable chances for a successful outcome of the methods employed in treatment.

Nowhere have these methods been pursued so exhaustively as in a recent series of twenty case histories of juvenile delinquents prepared under the auspices of the Judge Baker Foundation of Boston by Dr. William Healey and Dr. Augusta F. Bronner. Dr. Healey, as is well known, had previously published the results of his study of a thousand juvenile delinquents from the Chicago Juvenile Court under the title of "The Individual Delinquent." But the more recent publication of twenty case histories from the Boston court excels in detail and in breadth of interpretation his earlier work.

The data in these case histories is subsumed under the following heads:

I. The study of the Background. This includes the *Family History*, including social and biological factors in family life; the *Developmental History*, or the health record of the child, including prenatal, as well as postnatal conditions: *Home and Neighborhood Conditions*; *Court and Institutional Records*; and the nature and circumstances of the *Present Delinquency*.

II. The study of the Individual; that is, his or her *Physical* and *Mental Condition*. The study of mental life includes *Abilities*, *Balance* and *Personality*. Under this head much importance is given also to the *Child's Own Story*.

III. As a result of the foregoing we have the *Diagnosis of Probable Direct Causations*.

IV. *Prognosis and Recommendations as to Treatment*.

V. *Case Summary*.

VI. *Subsequent History*.

The limits of the present discussion permit us only to suggest the wealth of material gathered under these various heads. The twenty case histories involve the study of twenty-seven individual children. In view of the stress laid in recent years upon intelligence and psychiatric defects in juvenile delinquency one point of major significance stands out in these studies. It is that in this particular group of juvenile delinquents organic mental defects seem to play a relatively small part as factors in their behavior. A statistical tabulation of the mental characteristics of these children under three categories of *Abilities*, *Balance* and *Personality* gives the following distribution:

I. Abilities—6 supernormal, 14 good average, 3 fair and 4 poor.

II. Balance—23 normal, 1 slight imbalance, 3 poor balance.

III. Personality—19 either normal or not difficult personalities, 8 psychotic.

I do not know the principle of selection employed by Dr. Healey in his choice of these cases, but it is evident that with this particular group the chief considerations have to do with the play of environmental forces upon children who, for the most part, have normal abilities and personality trends. This suggests no criticism of the psychiatric approach, but only a clear recognition of the fact that conduct is the resultant of the interplay of two forces—heredity or organic constitution and environment; and that we must look for the abnormal not only in the physical and mental condition of the individual, but also in the social conditions under which he lives. This is brought out clearly in the discussion of one group of three feeble-minded, delinquent girls, who, subsequent to their delinquencies, make fairly good adjustments to life. Speaking of these Dr. Healey writes:

"Thus we must change our earlier expressed ideas that mentally defective girls are 'potentially prostitutes' or that defective boys are almost necessarily delinquent or dependent.

"In this study we have taken the girls' cases because they are supposed more vividly than boys to illustrate the alleged fact that the men-

tally defective are social failures. And we have gone still further by offering one case that has an extremely bad family background and two that have even themselves shown delinquent trends—all in proof of the normal social role that many of the mentally defective can and do play.

"What there is intrinsic, in the way of character of personality make-up, or what there is extrinsic, in the way of environmental influences, that leads some to be morally or economically successful, while others are failures, is 'another story.'" (Judge Baker Foundation Case Studies, Series I, Case 18, p. 32-a.)

Throughout these case histories a significant part of the discussion treats of the effects of the environment upon a group of children, who, as we have seen, are for the most part normally constituted. The home, school, occupation, neighborhood and companions are shown in vital relation to what the children do, and to their attitudes, interests and habits. The idea that these environing influences are important is, of course, not new. The contribution of this set of case histories lies in showing in great detail and with keen insight in what ways and to what degree the social environment affects delinquency. No doubt it was known that men died because they were sick long before the origin and nature of disease was understood. Healey's method, and the task of social case work generally, is to make social pathology approach as nearly as possible the accuracy and precision of medical pathology.

Brief references may here be made to certain aspects of the discussion of the cases. In his treatment of home influences in the lives of juvenile delinquents Healey stresses more the psychological conditions of family life than the more external factors of poverty and poor material surroundings. Many of the children have come from well-to-do homes. In these as well as in the impoverished homes there often exists a lack of understanding of children by parents, wrong methods of discipline, repression, the absence of proper social and intellectual stimuli, and other personal relationships which cause the children to seek the satisfaction of their impulses outside the family group. In the discussion of city neighborhoods their barrenness is portrayed; also it is shown that moral contamination comes more often through unorganized groups or through single acquaintances, than through organized local gangs of which so much has been written. Schools come in for severe condemnation throughout the case analyses. Although the schools have the custody over children for a greater period than any other agency excepting the family (and sometimes not excepting the family) they fail utterly to reach problems of personality and conduct presented by the more difficult children. Situations requiring careful treatment and guidance, from the point of view of child development,

are ignored or pitifully mishandled by school authorities. Given the unparalleled opportunity for observing, recording and studying the beginnings of child delinquency, the schools pass them by as interfering with the normal grinding of the machine. The result is that the community has to establish extra-legal agencies in connection with our courts to do the essentially educational task abandoned by the schools. There is much material in the case histories, moreover, which shows the contrast between the sympathetic attitude towards the child of the psychiatrist, and the terrorizing approach so often made by the police and other officials. The one secures co-operation, elucidation; the other, only resentment and the fixation of anti-social tendencies.

These suggestions taken from Healey's diagnoses of the cases are sufficient to show that in the intensive case history we have the richest material for individual and social analysis. There is here no artificial separation of the individual from his group. Both are seen in vital, organic relationships as different phases of the one social life. To view the delinquent and his *milieu* after such a fashion gives us the clue for understanding all particular situations; it enables us also to prescribe effective treatment.

We have thus far reviewed the principle methods by which problems in criminology have been approached since men began to question the efficacy of medieval practices in the treatment of offenders. The Classical School endeavored to rationalize and humanize the punitive system of its day; but it lacked the empirical method of social science, and hence made no contribution to our knowledge of the origin and nature of crime. The survey is a truly scientific method of social inquiry, which in the field of penology has done much to reveal the functioning, or mal-functioning, of our penal institutions, including police, courts and institutions for the incarceration of offenders. It shows the shortcomings of a punitive system based upon abstractions and too inelastic for meeting present needs. Criminal statistics present the means for making an accurate measurement of the volume and distribution of crimes; and for estimating, by methods of correlation, the effect upon crime of various social and biological factors. But as yet in the United States we lack the essential data for statistical compilation; and, furthermore, statistics, whatever light they may throw upon causal factors generally operating, do not show their degree of influence in particular instances. This is revealed only through the method of social case work which treats conduct and personality organically as products both of innate tendencies and of environmental

stress. It is through the case history that we must develop the science of personality as a means of social control.

One need scarcely add that the study of personality and of its functioning is likely never to reach the precision that characterizes the natural sciences. The data of the case record itself is likely to some extent to reflect the point of view of the observer. To be sure, mental and physical conditions can be diagnosed, and types of adjustment proposed with reasonable accuracy. Prediction may even be ventured of behavior types on the basis of previous diagnosis of personality trends. Notwithstanding all this, there is likely to be an element of the incalculable in human behavior that reduces somewhat the accuracy of our forecasts. This does not mean that we must resort to a metaphysical doctrine of the freedom of the will, but simply that the possibilities of conduct, as the product of two infinitely complex variables—heredity and environment—prevent our analysis and prognosis from being complete.

Such considerations, therefore, lead us to discount somewhat the easy confidence of the following statement, written by the publishers of a popular magazine to advertise the "epoch-making" character of a then forthcoming issue:

"By studying the ancestry of a criminal and by submitting him to exhaustive intelligence and psychological tests, it is now usually possible to foretell with amazing accuracy what sort of crime he is going to commit. A man is arrested for some minor felony and then thoroughly examined. 'This fellow is going to commit arson before long' the examiner will predict. And surely enough, a few months later the man is arrested for that very crime. He can no more help committing arson than he can help breathing."

Concerning this it need only be said that the study of human behavior needs to be protected from some of its exponents. An exaggeration like the foregoing, however, should not discourage us from urging the analysis of character by the method of the case history and clinical examination in our schools, courts, social agencies and institutions; in short, wherever difficult problems of social adjustment appear. Through the knowledge arising from such efforts, and through wise social reforms suggested by them, we may expect to reduce our problem of crime to manageable proportions.